

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R12-4-802 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1), (A)(2) and (A)(3)
Implementing statute: A.R.S. § 17-231(B)(2), (B)(3), and (B)(7)
- 3. The effective date of the rules:**
May 1, 2002
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
Notice of Exempt Rulemaking: 6 A.A.R. 1731, May 12, 2000
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Mark E. Naugle
Address: Arizona Game and Fish Department DORR
2221 W. Greenway Rd.
Phoenix, AZ 85023-4399
Telephone: (602) 789-3289
Fax: (602) 789-3677
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
A.R.S. § 41-1005(A)(1) exempts the Commission from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for wildlife area rules. Based upon this statutory exemption, the Commission adopted wildlife area rules to replace Commission Rule R12-4-109, which was repealed effective May 1, 2000. The wildlife area rules provide protective measures for wildlife and habitat, allow for special management and research practices, and enhance wildlife and habitat conservation. This rulemaking amends R12-4-802 to correct inaccurate season dates for the Becker Lake Wildlife Area and to provide increased hunter opportunities at the Powers Butte (Mumme Farm) Wildlife Area.
- 7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
Not applicable
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
The rulemaking will result in no new costs to the Department or any other persons. The amendment of exempt wildlife area rules that adequately protect wildlife and habitat will benefit the public and the Department.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the principal comments and the agency response to them:

Notice of the rulemaking, including an explanation of the rules and draft rule language, was presented to the public through mailings and distribution at the April 2002 Commission meeting in Phoenix, Arizona. No public comments were received on the rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 8. WILDLIFE AREAS

Section

R12-4-802. Wildlife Area Restrictions

ARTICLE 8. WILDLIFE AREAS

R12-4-802. Wildlife Area Restrictions

A. No person shall violate the following restrictions on Wildlife Areas:

1. Alamo Wildlife Area (located in Units 16A and 44A):
 - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
 - b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Open to hunting in season.
2. Allen Severson Wildlife Area (located in Unit 3B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Posted portions closed to discharge of all firearms from April 1 to July 31 annually.
 - e. Open to hunting in season, except posted portions closed to hunting from April 1 to July 31 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
 - a. Access to Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
 - b. Closed to discharge of all firearms.
 - c. Open to hunting in season with bow and arrow only.
4. Arlington Wildlife Area (located in Unit 39):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Open to hunting in season.
5. Base and Meridan Wildlife Area (located in Units 39M and 42M):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Closed to discharge of rifled firearms.
 - f. Open to hunting in season.
6. Becker Lake Wildlife Area (located in Unit 1):

Arizona Administrative Register
Notices of Exempt Rulemaking

- a. No open fires.
 - b. No overnight public camping.
 - c. Motorized vehicle travel permitted on designated roads only.
 - d. Closed to discharge of rifled firearms.
 - e. Posted portions closed to public entry from December 15 to ~~June 15~~ July 31 annually.
 - f. Open to hunting in season, except posted portions closed to hunting from December 15 to ~~June 15~~ July 31 annually.
7. Bog Hole Wildlife Area (located in Unit 35B):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Open to hunting in season.
8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Open to hunting in season.
9. Chevelon Creek Wildlife Area (located in Unit 4B):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Posted portions closed to public entry from October 1 to February 1 annually.
 - f. Open to hunting in season, except posted portions closed to hunting from October 1 to February 1 annually.
10. Clarence May & C.H.M. May Memorial Wildlife Area (located in Unit 29):
- a. Closed to discharge of all firearms.
 - b. Closed to hunting.
11. Cluff Ranch Wildlife Area (located in Unit 31):
- a. Open fires allowed in designated areas only.
 - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
 - c. Overnight public camping allowed in designated areas only, for no more than 5 days within a 14-day period.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Posted portions around Department housing closed to discharge of all firearms.
 - f. Closed to discharge of centerfire rifled firearms.
 - g. Open to hunting in season.
12. Colorado River Nature Center Wildlife Area (located in Unit 15D):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Closed to hunting.
13. House Rock Wildlife Area (located in Unit 12A):
- a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - b. Open to hunting in season.
14. Jaques Marsh Wildlife Area (located in Unit 3B):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Open to hunting in season.
15. Lamar Haines Wildlife Area (located in Unit 7):
- a. No firewood cutting or gathering.
 - b. No overnight public camping.
 - c. No motorized vehicles.
 - d. Open to hunting in season.
16. Luna Lake Wildlife Area (located in Unit 1):
- a. Posted portions closed to public entry from April 1 to July 31 annually.
 - b. Open to hunting in season, except closed to hunting from April 1 to July 31 annually.

Arizona Administrative Register
Notices of Exempt Rulemaking

17. Mittry Lake Wildlife Area (located in Unit 43B):
 - a. Open fires allowed in designated areas only.
 - b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Posted portions closed to public entry from November 15 to February 15 annually.
 - e. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
18. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on posted designated roads, on designated trails, or in designated areas only.
 - e. Open to hunting ~~only per Commission Order 19 (Dove), except posted portions closed to hunting~~ in season.
19. Quigley Wildlife Area (located in Unit 41):
 - a. No open fires.
 - b. No overnight public camping.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Posted portions closed to public entry from September 1 to March 31 annually.
 - e. Open to hunting in season, except posted portions closed to hunting from September 1 to March 31 annually.
20. Raymond Ranch Wildlife Area (located in Unit 5B):
 - a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - b. Open to hunting in season.
21. Robbins Butte Wildlife Area (located in Unit 39):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only from 1 hour before sunrise to 1 hour after sunset daily.
 - e. Parking in designated areas only.
 - f. Target or claybird shooting permitted in designated areas only.
 - g. Posted portions around Department housing closed to discharge of all firearms.
 - h. Closed to discharge of centerfire rifled firearms.
 - i. Open to hunting in season.
22. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
 - a. Posted portions closed to public entry from November 15 to February 15 annually.
 - b. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
23. Sipe White Mountain Wildlife Area (located in Unit 1):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Posted portions around Department housing closed to discharge of all firearms.
 - f. Open to hunting in season.
24. Springerville Marsh Wildlife Area (located in Unit 2B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Closed to discharge of all firearms.
 - e. Closed to hunting.
25. Sunflower Flat Wildlife Area (located in Unit 8):
 - a. No overnight public camping.
 - b. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - c. Open to hunting in season.
26. Three Bar Wildlife Area (located in Unit 22):
 - a. Portions within the fenced enclosure inside the loop formed by Tonto National Forest Road 647 closed to public entry.

Arizona Administrative Register
Notices of Exempt Rulemaking

- b. Open to hunting in season, except portions within the fenced enclosure inside the loop formed by Tonto National Forest Road 647 closed to hunting.
 - 27. Tucson Mountain Wildlife Area (located in Unit 37M):
 - a. Closed to discharge of all firearms.
 - b. Open to hunting in season with bow and arrow only.
 - c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
 - 28. Upper Verde River Wildlife Area (located in Unit 19A):
 - a. No firewood cutting or gathering.
 - b. Overnight public camping allowed in designated areas only.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Open to hunting in season.
 - 29. Wenima Wildlife Area (located in Unit 2B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Posted portions closed to discharge of all firearms.
 - f. Open to hunting in season.
 - 30. White Mountain Grasslands Wildlife Area (located in Unit 1):
 - a. No open fires.
 - b. No overnight public camping
 - c. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - d. Posted portions closed to public entry.
 - e. Open to hunting in season.
 - 31. Whitewater Draw Wildlife Area (located in Unit 30B):
 - a. Open fires allowed in designated areas only.
 - b. Overnight public camping allowed in designated areas only, for no more than 3 days within a 7-day period.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Closed to discharge of centerfire rifled firearms.
 - e. Posted portions closed to public entry from October 15 to March 15 annually.
 - f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.
 - 32. Willcox Playa Wildlife Area (located in Unit 30A):
 - a. Open fires allowed in designated sites only.
 - b. No firewood cutting or gathering.
 - c. Overnight public camping allowed in designated areas only, for no more than 5 days within a 14-day period.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Posted portions closed to public entry from October 15 through March 15 annually.
 - f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.
- B.** Effective May 1, ~~2000~~ 2002.